

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Danville Irvin Brown, Jr.

Docket No. 5:03-CR-61-1H

Petition for Action on Supervised Release

COMES NOW Linwood E. King, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Danville Irvin Brown, Jr., who, upon an earlier plea of guilty to Possession of a Firearm by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924, and Possession With Intent to Distribute More Than 50 Grams of Crack Cocaine, in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on November 10, 2003, to the custody of the Bureau of Prisons for a total term of 84 months. As a result of a Substantial Assistance Motion filed by the government, on October 5, 2005, the defendant's custodial sentence was reduced to a total term of 54 months imprisonment. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Danville Irvin Brown, Jr. was released from custody on February 8, 2007, at which time the term of supervised release commenced.

On July 2, 2007, as a result of a Petition for Action being filed noting a positive test for cocaine, the court added the following condition: The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On August 12, 2009, as a result of a Petition for Action being filed noting a misdemeanor offense of Resisting a Public Officer, the court added the following condition: The defendant shall be confined in the custody of the Bureau of Prisons from 6:00 p.m. each Friday until 6:00 a.m. each Monday for a period of (2) consecutive weekends, commencing as directed by the Bureau of Prisons and the Probation Office. He shall abide by all rules and regulations of the designated facility.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 22, 2010, the defendant was charged with the misdemeanor offenses of Resisting a Public Officer and Second Degree Trespass (10CR214946) in Wake County, North Carolina. According to Raleigh Police Officer, J. Garcia, on June 22, 2010, officers were on routine patrol of downtown Raleigh, North Carolina, when they observed a suspicious individual walking down Martin Street. The unknown individual began to engage in a conversation with the defendant as Garcia pulled over to speak with him. As the officers exited their vehicle, Brown observed the police officers and fled on foot. A brief foot chase ensued, which resulted in Garcia apprehending and arresting the defendant a few blocks down the street. Brown had no rational behind fleeing from the officers. The defendant's charges remain pending in Wake County District Court. To address this behavior, and in an effort to deter future criminal conduct, we are recommending that Brown adhere to a curfew at his residence (7:00pm to 7:00am), via an electronic monitoring device, for a period of 60 days.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew from 7:00pm to 7:00am, or as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/Linwood E. King
Linwood E. King
U.S. Probation Officer
310 New Bern Avenue, Room 642
Raleigh, NC 27601-1441
Phone: (919) 861-8682
Executed On: July 2, 2010

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ORDER OF COURT

Considered and ordered this 12th day of July, 2010, and ordered filed and made a part of the records in the above case.

Malcolm J. Howard
Malcolm J. Howard
Senior U.S. District Judge